

HOUSE BILL NO. 174

INTRODUCED BY WITT

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIVATE FISH POND LICENSE IS VALID FOR 10 YEARS; PROVIDING FOR A \$10 APPLICATION AND RENEWAL FEE; ~~PROVIDING FOR SITE INSPECTIONS FOR NEW PRIVATE FISH PONDS; PROVIDING FOR SITE INSPECTIONS FOR RENEWAL OR TRANSFER OF A PRIVATE FISH POND LICENSE IF DETERMINED NECESSARY BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;~~ PROVIDING FOR THE TRANSFER OF A PRIVATE FISH POND LICENSE IN CERTAIN INSTANCES; AMENDING SECTION 87-4-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-4-606, MCA, is amended to read:

"87-4-606. Term of license -- fees -- site inspections -- license not transferable -- exception for transfer. (1) Except as provided in subsections (3) and (6) (4), a private fish pond license is valid for 10 years.

(2) There is a \$10 application fee and a \$10 renewal fee for each private fish pond license.

(3) (a) Except as provided in subsections (3)(b), (3)(c), and (6) (4), a private fish pond license expires on February 28 of the 10th year succeeding the year of issuance or renewal.

(b) A private fish pond licensee who sells fish or eggs under 87-4-603 shall renew the license annually. The license expires on January 31 February 28 of the year succeeding the year of issuance.

(c) For a license that has been in effect for more than 10 years as of [the effective date of this act], the license holder shall apply for renewal within 1 year of [the effective date of this act].

(d) Application An application for renewal must be made before a license expires. The department shall renew the license if the licensee has not violated any condition upon which the license was granted and if the licensee has met all of the requirements governing private fish ponds in 87-2-603 87-4-603 and this section.

~~———— (4) (a) Renewal of a private fish pond license is contingent upon inspection of the site by the department if the department determines that an inspection is warranted in order to ensure compliance with 87-4-603 and with any conditions that are part of the license.~~

~~(b) If the department finds noncompliance through site inspection, the private fish pond license must be suspended until the violations are corrected.~~

~~(c) The department may require compliance with additional conditions that it considers necessary to meet the requirements of 87-4-603 before future operation of the private fish pond is allowed.~~

~~(5) A new license may be granted only after there is a site inspection by the department.~~

~~(2)(6)(4)~~ A licensee who does not sell fish or eggs is not required to renew his license. However, a new license is required when a licensee proposes to plant a new species or stock a pond not designated in the original license.

~~(3)(7)(5)~~ (a) ~~A~~ Except as provided in subsection ~~(7)(b)~~ (5)(B), a private fish pond license granted under 87-4-603 is not transferable.

(b) If ownership or control of the private fish pond changes, the new owner or operator shall apply to the department for a license transfer. The transfer must be approved by the department before the new owner or operator may continue operation of the private fish pond.

(c) A transferred license retains the remaining portion of the original license's term.

~~(d) (i) The department may require a site inspection before approving a transfer.~~

~~(ii) If the department finds noncompliance through site inspection, the private fish pond license must be suspended until the violations are corrected.~~

~~(iii) The department may require compliance with additional conditions that it considers necessary to meet the requirements of 87-4-603 before future operation of the private fish pond is allowed."~~

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Applicability. [This act] applies to any private fish pond license application pending review and approval by the department on [the effective date of this act] and applies prospectively to any fish pond license as of [the effective date of this act].

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